ENVIRONMENTAL SETTING

Existing Project Site Land Uses

The project site is a 1.09-acre, triangularly-shaped property, currently occupied by a Budget Rent-A-Car facility. Through a recent merger, it is also known as “Beverly Hills Car Collection/Budget Rent-A-Car”. Onsite improvements include one fixed building and a paved exterior area with the following features: a service area, a waste oil storage area, a carwash, an area for vacuum cleaning, and surface parking areas for storing vehicles.

Existing Surrounding Land Uses

The surrounding area is characterized by a mix of mid- and high-rise retail, hotel, office, and multi-family residential land uses to the south, north and west, with low and mid-rise commercial and retail development to the east, across Lincoln Boulevard. The Los Angeles County Marina del Rey harbor is to the south and southwest of the project site. The jurisdictional boundary between the City of Los Angeles and the County of Los Angeles is to the southwest of the project site, along the Southern Pacific Railway right-of-way, which runs parallel to Admiralty Park and Admiralty Way. Directly to the east of the project site (on the east side of Lincoln Boulevard) is the terminus of the Marina Freeway (I-90).

With respect to generalized land use designations, the project site and the area to the north and west of the project site (on the west side of Lincoln Boulevard) are designated Commercial, the same designation applied to the project site. The area to the north of the Marina Freeway (on the east side of Lincoln Boulevard) is designated Light Industrial. The area to the south of the Marina Freeway (on the east side of Lincoln Boulevard) is designated Commercial.

With respect to specific land uses, immediately to the north of the project site is a Ralphs grocery store and Kids Pointe pre-school. North of these uses are the Marina Pointe Apartments, a six-story development. The high-rise Regatta Seaside, Azzurra and Cove Condominium developments are located northwest of the project site. The Regatta Seaside Condominium is a multi-family residential development 20-stories in height. Further north is the 20-story, 450 unit Azzurra Condominium development. A surface parking lot and the three-story UCLA Marina Medical Plaza are to the south and southwest. East of the project site, across Lincoln Boulevard, properties consist of, from north to south, a used car lot for Toyota of Marina del Rey, the Marina Boat and RV Center (a sales facility), and the northern portion of the new car lot of Toyota of Marina del Rey. To the northeast is the Villa Marina Shopping Center, which includes a gas station, a supermarket, a chain drug store, a multi-plex movie theater, retail shops, restaurants and a five-story hotel. The future Ocean Walk project, 242 residential units, is proposed for development at Lincoln Boulevard and Maxella on a site adjacent to the Villa
Marina Shopping Center. Figure III-3, indicates the locations of major existing land uses in the project site vicinity.

**Applicable Land Use Plans and Codes**

**Existing Zoning**

The project site is currently zoned C4(OX)-2D. The “C4” designation allows residential development subject to the R4-Zone’s development standards. Those standards provide that the minimum lot area per dwelling unit shall be 400 square feet. “Lot area” for purposes of calculating residential density means the same a gross lot area, i.e., dedications and setbacks are not subtracted from lot area for purposes of calculating permitted residential density. Thus, because the project site is 47,782 square feet in size, 119 dwelling units would be permitted on the site under the R4 density limits. The “2” zoning designation indicates the project site is also located in Height District 2, which typically permits a maximum floor area ratio (FAR) of 6:1, but does not limit height. The Height District 2 FAR is calculated by multiplying the buildable area of the lot times 6. Buildable area is the gross lot area of the site minus street dedications and setbacks (if any). No setbacks are required for commercial uses in a C4 zone, or for first floor commercial uses of a mixed-use project in a C4 zone.

The “OX” designation indicates the project site is subject to the provisions of the Oxford Triangle Specific Plan. The standard development regulations imposed on the project site by way of its zoning designation are altered by the Oxford Triangle Specific Plan, which establishes a “D” Development Limitation for the project site. This “D” Development Limitation further limits the use, floor area and height permitted for development at the project site. With regard to permitted uses, residential uses are permitted, however, such uses in excess of R3 density (up to the maximum R4 density otherwise permitted under the C4 zoning) are only permitted if part of a mixed-use project. With regard to the floor area, commercial uses are limited to a 1.5:1 FAR, while residential uses may have a floor area of up to 3:1 FAR if they are part of a mixed-use development. With regard to height, all proposed buildings are to be designed so as not to cast shadows on any single-family residential development adjacent and within the Specific Plan area between the hours of 10 AM and 4 PM at the Summer Solstice, for more than one hour. See Section IV.B, Aesthetics, for additional discussion of the proposed project’s shadow impacts.

**SB 1818/Density Bonus**

In 2004, the California Legislature enacted SB 1818, which revised the state density bonus law to require cities and counties to provide greater density bonuses and other incentives for projects that included minimum affordable housing set asides (Government Code Section 65915).

In general, the new law halves the number of units that must be set aside as affordable for 30 years to qualify for a density bonus. The law also reduces the base by-right density bonus from 25% to 20%.
However, developers may increase the bonus to a maximum of 35% as they increase the number of set-aside affordable units. Furthermore, the new law permits affordable housing projects one, two or three incentives (beyond the density bonus) depending upon the percentage of units set aside as affordable. In addition, the law provides parking standards that may be requested by a developer of a density bonus project and that the City must grant if requested. These standards apply not only to the restricted affordable units (i.e. the set-aside units) but also to the entire project. These standards are inclusive of handicapped and guest parking and are as follows:

- 0-1 bedrooms: one onsite parking space
- 2-3 bedrooms: two onsite parking spaces
- 4 or more bedrooms: 2.5 parking spaces

**Mello Act**

In order to receive approval for a demolition or conversion permit in the California Coastal Zone, the project owner must comply with the California Government Code Section 65590 and 65590.1, commonly known as the 1982 Mello Act. The Mello Act is a statewide law that seeks to preserve housing for persons and families with low and moderate incomes in California’s Coastal Zone.

The City of Los Angeles examines all Venice Coastal Development Projects involving residential units that are not categorically exempt. The current condition of the housing has no bearing on an affordability determination unless the property is legally declared a public nuisance. Public nuisance is one type of exemption; the second type is an owner-occupied, single-family dwelling that is being demolished/converted to a single-family dwelling for the same owner. All other types of projects must be evaluated.

The first step in meeting Mello Act obligations is to receive a determination from the Los Angeles Housing Department (LAHD) about existing affordable units. Affordability is measured by both: (1) the rental history for the previous three years, and (2) the income level of any current residents. The property’s affordability status must be documented by the Housing Department’s Mello Act Analyst. The Analyst requires information about a property for the three years prior to the date of the owner’s permit request to make a determination.

This information, along with information provided by any existing tenants, is used to determine if affordable units currently exist and need to be replaced. A determination will be given to the Planning Department concerning the conditions that must be met prior to granting a building permit on the project.
City of Los Angeles General Plan

The City of Los Angeles General Plan (General Plan) addresses community development goals and policies relative to the distribution of land use, both public and private. The General Plan integrates the citywide elements and community plans, and gives policy direction to the planning regulatory and implementation programs.

The City of Los Angeles is divided into 35 community plans for the purpose of developing, maintaining and implementing the General Plan. These community plans collectively comprise the Land Use Element of the General Plan. The project site is located within the Venice Community Plan Area.

Venice Community Plan

The Venice Community Plan, updated in September 2000, designates the project site as Community Commercial (with corresponding zones of CR, C2, C4, RAS3 and RAS4). The Community Commercial designation on the Venice Community Plan Map (refer to Figure V.G-1) includes Footnote No. 6 which reads: “Residential developments on commercial properties are limited to densities no greater than those permitted by the residential zoning of adjacent areas but not lower than the density permitted in the low-medium housing category, except as regulated by existing specific plans.” According to the Venice Community Plan, a significant amount of residential units are contained on Community Commercial designated land, such as near the intersection of Lincoln Boulevard and Maxella Avenue (approximately 600 feet from the project site). The Community Plan indicates the Marina Pointe apartment complex contains approximately 580 units and the Marina Pointe condominium complex contains approximately 800 units.

The Venice Community Plan is consistent with the Venice Local Coastal Program (discussed below), complements it and integrates its policies and implementation programs as they apply to the Venice Coastal Zone in compliance with the provisions and requirements of the California Coastal Act of 1976.1

Oxford Triangle Specific Plan

The project is located within the Oxford Triangle Specific Plan (OTSP) area. This Specific Plan establishes additional regulations beyond those set forth in the zoning code. The additional regulations address such issues as density, heights, parking, development of contiguous lots, building materials colors and façade treatments.

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1 Venice Community Plan, page II-2.
Figure V.G-1  Venice Community Plan
Permitted Uses

Subject to the applicable limitations, density allowances and provisions of the OTSP Ordinance, no building or structure may be erected, structurally altered, enlarged or maintained within the C4(OX)-2-D Zone except for those uses permitted in the C4 Zone, including certain conditional uses and those permitted in the R4 Zone. Furthermore, residential uses in excess of R3 development standards are prohibited except by density allowance contained in the OTSP. A density and intensity allowance, as well as an unlimited height allowance and/or another incentive, may be granted for developments that:

a. Provide residential units in the C4(OX)-2-D Zone as a Mixed Use Development in the same structure or commercial facility; or

b. Provide residential units on adjacent parcels in the C4(OX)-2-D Zone as part of an integrated and phased mixed use project.

The OTSP Ordinance also provides that for all density allowances in the OTSP in the C4(OX)-2-D Zone, the Conditional Use process, as specified in Section 12.24 of the Los Angeles Municipal Code. As part of following this process, the Area Planning Commission, or the City Council on appeal, shall make the findings as set forth in Section 12.24 of the Los Angeles Municipal Code and shall also consider the following guidelines:

1. No such application shall be accepted for density allowance for a mixed use development that does not provide housing at 15 percent of the total square footage built or a minimum of 200,000 square feet, whichever is greater.

2. The Plot Plan contains uses which may be located in a single building or in separate buildings, provided that all parcels within a project shall be contiguous. Parcels separated by a walkway, easement or street shall be considered contiguous for the purpose of the OTSP Ordinance.

3. The Plot Plan proposes uses, despite their degree of contiguity, as being under single ownership or owned by a partnership with a common general partner.

4. For each dwelling in the mixed use development, there must be provided at least 10 square feet of indoor recreation space and at least 50 square feet of common open space. This space shall be available and accessible to residents of the development. Common open space may be located on the ground, on terraces, or on roof tops, and shall be landscaped or developed for active or passive recreation. It may include roofed recreation areas or summer houses enclosed on more than one side, unenclosed porches and swimming pools and other water features. Common open space shall not include land use for required yards, private streets, driveways, parking, loading or service areas, but may include walkways.
5. Priority consideration shall be given to locating residential uses constructed as part of the C4(OX)-2-D Zone adjacent to existing neighborhoods. The housing must be designated to be compatible with surrounding uses. The minimum residential development that is part of a mixed use project shall be required to be developed either concurrent with the first phase of total development, or before any commercial uses are constructed in excess of 1.5 times the site area.

6. The proposed project includes conditions to reduce any adverse impact on on-street parking.

7. The proposed project includes conditions to reduce adverse impacts on traffic as set forth in the Coastal Transportation Corridor Specific Plan, Ordinance No. 168,999.

8. The proposed project will not be materially detrimental to the character of the development in the immediate neighborhood.

9. Existing single-family residential uses shall be reasonably buffered from adjacent commercial uses, including parking structures, where such uses contain sources of noise, lighting, odor or other nuisance or hazard not compatible with such residential development.

10. For properties zoned C4(OX)-2-D, under a development proposal utilizing the transfer of development rights incentive, in no case shall commercial density be transferred to a location adjacent to existing single-family residential uses. Furthermore, transfer of residential densities shall be encouraged in proximity to existing single-family residential neighborhood, said new residential development shall be compatible in terms of height and privacy provisions for existing homes, and shall provide for noise attenuation where noise may impact existing residences.

**Floor Area/Height**

Section 5.2. Floor Area, provides that within the C4(OX)-2-D Community Commercial Zone:

a. The total floor area used for commercial uses may not exceed a ratio of 1.5, except as provided in Section 6.

b. The total floor area used for residential purposes may not exceed that permitted in the R3 Zone except as provided in Section 6.

Section 5.3. Height, provides that with the C4(OX)-2-D Community Commercial Zone:
All proposed buildings must be designed so as not to cast shadows on any single-family residential development adjacent and within the Specific Plan area between the hours of 10 a.m. and 4 p.m. at the Summer Solstice, for more than one hour.

**Density Allowances**

The OTSP expressly establishes density allowances for mixed use developments. Section 6 of the OTSP provides that for a mixed use project such as the proposed project, the Area Planning Commission, or the City Council on appeal, will have the authority to (1) grant a density and intensity allowance on C4(OX)-2-D zoned property of up to three times the buildable area of a lot; (2) grant unlimited height; and (3) permit other incentives for development.

Section 6.B authorizes the Area Planning Commission or the City Council on appeal, to: (1) grant a density allowance of at least 25 percent of the number of market rate units over the maximum density allowed by zones and bonuses in the Specific Plan not to exceed an FAR of 3:1; or (2) provide other incentives from development that:

1. Construct at least 25 percent of the total dwelling units in a housing development consisting of five or more dwelling units for persons and families of low- and moderate-income; or
2. Construct at least 10 percent of the total units in a housing development of five or more units for lower income households or housing for the elderly.

Section 6.C provides that one or more alternative incentives may be considered in lieu of or in addition to a density allowance in cases where either the applicant requests an alternative incentive or the Area Planning Commission or City Council, on appeal, finds that an alternative would result in a positive impact on surrounding properties or on the City as a whole. Such alternative incentives are:

1. Priority processing
2. Waiver or reduction of other fees.
3. In-lieu transportation fees (as defined in Coastal Ordinance No. 168,999).
5. No covered parking requirements.
6. Reduced open space requirements.
7. Reduced landscaping requirements.
8. Transfer of development rights, as specified in Section 7 of the OTSP Ordinance.

9. Land dedicated to public use by a project may be included as buildable area for the purposes of calculating the floor area ratio.

10. Other incentives suggested by applicant, except reduced parking is not an incentive unless otherwise provided by the Los Angeles Municipal Code.

**Venice Coastal Zone Specific Plan**

The project site is located within the Venice Coastal Zone Specific Plan area. The purposes of the Specific Plan, among others, are to implement the goals and policies of the Coastal Act and the Local Coastal Program (LCP) for that portion of the Venice community within the Coastal Zone. This Specific Plan establishes additional regulations beyond those set forth in the zoning code. The additional regulations address such issues as density, heights, parking, development of contiguous lots, building materials colors and façade treatments.

According to Section 6 of the Venice Coastal Zone Specific Plan, no demolition, grading, building permit or certificate of occupancy shall be issued for any Venice Coastal Development Project unless the Venice Coastal Development Project has received a Venice Coastal Specific Plan Exemption, a Planning Director signature on the Building Permit Application Clearance Summary Worksheet, or has been reviewed and approved in accordance with the Specific Plan Procedures of LAMC Section 11.5.7, Section 7 of this Specific Plan and the Coastal Development Provisions of LAMC Section 12.20.2.1.

Section 10.H of the Venice Coastal Zone Specific Plan provides that Venice Coastal Development Projects located in the Oxford Triangle Specific Plan area shall comply with all applicable provisions contained in the Oxford Triangle Specific Plan in addition to the provisions contained in the Venice Coastal Zone Specific Plan. These include:

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2 *The Venice Local Coastal Program (LCP) consists of the City’s plans, zoning ordinances, zoning district maps, and other actions which implement the provisions and policies of the California Coastal Act of 1976 at the Venice local level. According to the LCP, the intent of the Oxford Triangle Community Commercial designation is to protect the existing single-family residential neighborhood located in the Oxford Triangle subarea from adjacent incompatible and more intense scale and uses. Mixed-use development is encouraged within the Oxford Triangle Community Commercial designated area to create a lively urban environment; to maximize residential development potential and take advantage of the transportation infrastructure; and to encourage innovated design integrating residential, retail, recreational and commercial uses. Incentives such as increased floor area ratios (3:1 for mixed use projects) and building heights may be granted within the Oxford Triangle Community Commercial designated area in order to encourage these goals.*
1. **Density.** Commercial Zones. No residential Venice Coastal Development Project shall exceed a density that is allowed in the R3 Zone, except as permitted by the Venice Coastal Zone Specific Plan.

   a. **Height.** Within the Oxford Triangle area, the Venice Coastal Zone Specific Plan only addresses height limitations for the R-1 Residential Zone and the C2 Commercial Zone, neither of which is applicable to the proposed project which is in the C4 Zone.

Section 8.C.3 of the Venice Coastal Zone Specific Plan provides that the applicant of a Venice Coastal Development Project must guarantee to keep the rent levels of any Replacement Affordable Unit at an affordable level for the life of the proposed Venice Coastal Development Project and to register the Replacement Affordable Units with the Los Angeles Department of Housing.

Section 8.C.4 of the Venice Coastal Zone Specific Plan provides that the Venice Coastal Development Project must be consistent with the special requirements for low and moderate income housing units in the Venice Coastal Zone as mandated by California Government Code Section 65590 (Mello Act).

Section 13 of the Venice Coastal Zone Specific Plan establishes off-street parking requirements for various uses within the Venice Coastal Zone Specific Plan area. For multiple dwelling uses on a lot of 40 feet or more in width, the Venice Coastal Zone Specific Plan requires two spaces for each dwelling unit, plus a minimum of one guest parking space for each for or fewer units (e.g., 0.25 guest parking space per unit, any fraction shall be rounded up to require one additional guest parking space). For General Retail Store, except as otherwise provided, as well as for a Food Store, Grocery Store, Supermarket, or similar use, the Venice Coastal Zone Specific Plan requires one space for each 225 square feet of floor area.

**Coastal Transportation Corridor Specific Plan**

The project site is also located within the Coastal Transportation Corridor Specific Plan Area. This specific plan is intended to provide a mechanism to fund specific transportation improvements due to transportation impacts generated by the projected new commercial and industrial development within the corridor. Traffic impacts of the proposed project and project specific requirements of the Coastal Transportation Corridor Specific Plan are discussed further in Section V.J., Transportation/Traffic of this Draft EIR.

**Regional Comprehensive Plan and Guide**

The project site is located within the planning area of the Southern California Association of Governments (SCAG), the Southern California region’s federally-designated metropolitan planning organization. SCAG has prepared a Regional Comprehensive Plan and Guide (RCPG) to address regional growth.
The RCPG was adopted in 1996 by the member agencies of SCAG to set broad goals for the Southern California region and identify strategies for agencies at all levels of government to use as a decision-making guide. It includes input from each of the 14 subregions that comprise the Southern California region (including Los Angeles, Orange, San Bernardino, Riverside, Imperial and Ventura Counties). The project site is located within the Los Angeles subregion. The RCPG is a policy document that sets broad goals for the Southern California region and identifies strategies for agencies at all levels of government to use as a decision-making guide with respect to significant issues and changes, including growth management, that are anticipated by the year 2015 and beyond. Adopted policies related to land use are contained primarily in Growth Management chapter of the RCPG. The primary goal of Growth Management Chapter policies is to address issues related to growth and land consumption by encouraging local land use actions that could ultimately lead to the development of an urban form that will help minimize development costs, save natural resources and enhance the quality of life in the region.

**South Coast Air Quality Management District**

The project site is also located within the South Coast Air Basin (SCAB) and is therefore within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). In conjunction with SCAG, the SCAQMD is responsible for formulating and implementing air pollution control strategies. The current Air Quality Management Plan (AQMP), adopted in 1997 by SCAQMD and SCAG to assist in fulfilling these responsibilities, is intended to establish a comprehensive regional air pollution control program leading to the attainment of state and federal air quality standards in the SCAB area. Air quality impacts of the proposed project and consistency of the project impacts with the AQMP are analyzed in detail in Section V.C., Air Quality of this Draft EIR.

**Congestion Management Program**

The Congestion Management Program (CMP) for Los Angeles County was developed in accordance with Section 65089 of the California Government Code. The CMP is intended to address vehicular congestion relief by linking land use, transportation and air quality decisions. Further, the program seeks to develop a partnership among transportation decision-makers to devise appropriate transportation solutions that include all modes of travel and to propose transportation projects which are eligible to compete for state gas tax funds. To receive funds from Proposition 111 (i.e., state gasoline taxes designated for transportation improvements), cities, counties, and other eligible agencies must implement the requirements of the CMP. Within Los Angeles County, the Metropolitan Transportation Authority (MTA) is the designated congestion management agency responsible for coordinating the County's adopted CMP. The project’s Traffic Impact Analysis, which is presented in greater detail in Section V.J (Transportation/Traffic) of this Draft EIR, was prepared in accordance with the CMP as well as City of Los Angeles Department of Transportation (LADOT) guidelines.
ENVIRONMENTAL IMPACTS

Thresholds of Significance

In accordance with Appendix G to the CEQA Guidelines, a project would have a significant land use impact if it would:

- Physically divide an established community;

- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or

- Conflict with any applicable habitat conservation plan or natural community conservation plan.

Would the project physically divide an established community?

The potential for the proposed project to physically divide an established community is based on a comparison of the existing land uses on and adjacent to the project site and the proposed project. As previously discussed, the project site is currently developed with a low intensity car rental business. The project site is bounded on the north by a Ralph’s shopping market and beyond that by The Regatta, Azzurra and Cove high-rise residential developments and the Marina Pointe low-rise residential development. To the west the project site is bounded by a paved surface parking, Admiralty Park and farther to the west, by the Marina del Rey. To the south the project site is bounded by additional surface parking and the UCLA Medical Plaza Building. To the east, the project site is bounded by Lincoln Boulevard, the Villa Marina Shopping Center, the terminus of the Marina Freeway (I-90), and long term surface parking for the Marina del Rey Toyota dealer. There are currently no community services or public services\(^3\) on the project site, and there are no existing roadways through the project site that are used by the adjacent residential communities to the north and east. Therefore, the proposed mixed-use condominium tower on the project site would not divide the residential communities to the north and east, nor would it interfere with existing travel routes. Therefore, the proposed project would not physically divide any established communities.

\(^3\) Community and public services include schools, libraries, recreational facilities and other community-serving land uses.
Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Existing Zoning

The project site is currently zoned C4(OX)-2D. The “C4” designation indicates the project site is subject to the R4-Zone’s development standards relating to area. As the “2” zoning designation indicates, the project site is also located in Height District 2, which typically permits a maximum floor area ratio (FAR) of 6:1, but does not limit height.

C4 Zoning. As previously indicated, the project site is currently zoned C4(OX)-2D. The “C4” designation allows residential development subject to the R4-Zone’s development standards. Those standards provide that the minimum lot area per dwelling unit shall be 400 square feet. Further limiting permitted residential density on the project site, the OTSP prohibits residential density in excess of R3 development standards except by density allowance contained in the OTSP (see discussion of consistency with OTSP, below). The R3 development standards provide that the minimum lot area per dwelling unit shall be 800 square feet. Because the project site is 47,782 square feet in size, 119 dwelling units would be permitted on the site under the R4 development standards and 59 dwelling units would be permitted under the R3 standards. The proposed project would develop 158 units by utilizing available density bonuses for providing affordable housing as permitted in the OTSP and as required under SB 1818 and the Mello Act (see discussion of consistency with OTSP, Mello Act, and SB 1818, below).

Height District 2. This height district typically permits a maximum floor area ratio (FAR) of 6:1; however, as previously discussed, within the Oxford Triangle Specific Plan Area, the maximum allowable floor area ratio (without density bonuses and other incentives) is 3:1. The proposed project would develop 261,987 square feet of residential and commercial space, which results in an FAR of 5.48:1, which exceeds the allowable FAR of 3:1 FAR by a factor of 2.48.

Building Height. The proposed project would have a maximum height of 366 feet above grade. Building heights in Height District 2 are unlimited.

Density Bonus

The project applicant/developer seeks to develop 158 dwelling units in a residential tower with a building area of 261,987 square feet. The 158 units would be 39 units more than the 119 units that could be constructed under the R4 standards. In addition, the construction of 261,987 square feet of building area would result in a FAR of 5.48:1, or 2.48:1 greater than the 3:1 FAR permitted for a mixed-use project in the Oxford Triangle. As such, the developer seeks a density bonus and certain incentives for the
additional units and floor area. Because thirteen percent (13%) of the condominium units (16 of the 119 units that could be constructed under R4 standards) would be affordable to persons and families of very low income, the proposed project is eligible for an additional density bonus and two density bonus incentives pursuant to the State’s SB 1818 legislation and Government Code Section 65915.

In general, in order to qualify for an SB 1818 bonus and incentives, the proposed project must match the project criteria established by Government Code Section 65915 (b), revised January 1, 2005, to reflect changes adopted pursuant to SB 1818. Based on the current criteria, in order to obtain a density bonus the proposed project must provide one of the following:

a) 10% of the total units for lower income households;

b) 5% of the total units for very low income households;

c) a senior citizens housing development; or

d) 10% of units in a condominium project for persons and families of moderate income.

In this case, the proposed project qualifies for a density bonus by ensuring that at least 10% of the units are affordable to persons or families of very low income. Therefore, the project is eligible for a density bonus pursuant to SB 1818.

SB 1818 provides that a “density bonus” for a project that satisfies the above-referenced criteria means a density increase of at least 20 percent (Government Code Section 65915(g)(1)). The amount of density bonus to which the project applicant is entitled, however, varies according to the amount by which the percentage of affordable housing units exceeds the minimum percentages established. For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent, up to a maximum of 35 percent. In the case of the proposed project, by providing 13% of its units at very low income levels, the proposed project qualifies for an additional 15% density bonus above the minimum 20% density bonus, for a total density increase of 35%. This density bonus only increases the permitted number of dwelling units; it does not allow for an increase in permitted floor area. Thus, the 35% increase, when applied to the 119 units that could be permitted onsite, allows for a bonus of 42 additional units, for a total of 161 units. The proposed project, however, is requesting to develop only 158 units, three units less than it would be permitted if full use was made of the available SB 1818 density bonus.

The proposed project also qualifies for additional incentives pursuant to SB 1818. SB 1818 clarified State density bonus law to state that the applicant shall received the incentives or concessions as follows:

a) one incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10
percent for persons and families of moderate income in a condominium or planned development;

b) two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a condominium or planned development;

c) three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a condominium or planned development (Government Code Section 65915(d)(2)).

In this case, the proposed project qualifies for two incentives by providing at least 10 percent of its units for very low income households.

Under SB 1818 an incentive means any of the following:

a) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements, including but not limited to a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient and actual cost reductions.

b) Approval of a mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if such use is compatible;

c) Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable, financially sufficient and actual cost reductions.

The project applicant/developer’s first requested incentive is for the additional 118,641 square feet required to develop the project as proposed. This request would result in a project with an FAR of 5.48:1. The project applicant/developer’s second requested incentive is to permit the use of the project site’s gross lot area rather than its net lot area for the purposes of computing the proposed project’s FAR. State density bonus law provides that the City must grant the incentives requested, unless the City makes specified findings that the incentive is not required in order to provide for affordable housing costs or would have a specific adverse impact upon public health and safety or the physical environment. In this case, the units are required in order to provide for the cost of the affordable units proposed. In addition, the granting of the incentives would not have a specific adverse impact upon health and safety or the physical environment. Therefore, with its provision of 13% of its total condominium units for persons
and families of very low income, the proposed project is eligible for the density bonus and incentives provided by SB 1818.

With the approval of these additional incentives, including the floor area increase, the project’s 158 dwelling units and FAR 5.48 can be found not to be in conflict with the intent of existing zoning and the City’s implementation of SB 1818. Therefore, project impacts with respect to zoning would be less than significant.

**Mello Act Compliance**

A Mello Act Compliance Report for the proposed project will be prepared by the Department of City Planning Mello Compliance Coordinator. The report will show that because the proposed project does not involve the demolition or conversion of whole dwelling units, a Los Angeles Housing Department report is not required. Therefore, the project applicant/owner/developer is not required to provide replacement affordable dwelling units onsite or within the coastal Zone.

The proposed project will be required to provide Inclusionary Residential Units onsite. The Mello Act Compliance Report for the proposed project will show that the Interim Administrative Procedures require that a project applicant constructing 10 or more units shall provide inclusionary units.

For the proposed project of 158 units, the applicant will provide 16 units for very low income households, and the units will be provided onsite as required by the conditions of approval. The Municipal Code defines very-low as annual income of a household that does not exceed the area median for either income category as specified in California Health and Safety code Sections 50079.5 and 50105, as determined by the City’s Housing Department. As discussed above, the proposed project can be found to be in compliance with the Mello Act. Therefore, project impacts with respect to the Mello Act would be less than significant.

**Venice Community Plan**

The proposed project is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the Venice Community Plan. Table V.G-1 indicates the Residential objectives set forth in the Venice Community Plan. As discussed in Table V.G-1, the project can be found to be consistent with the objectives of the Venice Community Plan. Therefore, impacts with respect to project consistency with the Venice Community Plan would be less than significant.
Table V.G-1
Venice Community Plan Residential Objectives

<table>
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<tr>
<th>Objectives</th>
<th>Proposed Project</th>
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</thead>
<tbody>
<tr>
<td>Objective 1-1: To provide for the preservation of the housing stock and its expansion to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.</td>
<td>Consistent. The project does not remove any existing housing units. It expands the existing housing stock by constructing 158 new condominium units. It addresses the diverse economic and physical needs of projected residents by providing a variety of floor plans (i.e., 1-, 2-, 3- and 4-bedroom units; duplex and one-story units; and, provides 10% of the total units as affordable to persons and families of very-low income.</td>
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<td>Objective 1-2: To reduce vehicular trips and congestion by developing new housing in proximity to services and facilities.</td>
<td>Consistent. The project provides opportunities to reduce vehicular trips and congestion by providing new housing in a mixed-use commercial/residential area where there are ample services and facilities in close proximity. Ralph’s supermarket is adjacent to the project site. Additionally, the Villa Marina shopping center is just northeast of the project site. Furthermore, the project’s neighborhood-serving retail will cater to the project’s residents as well as to adjacent residential uses. The project site has immediate access to the SR-90 Freeway and is located close to regional recreational opportunities, such as Marina del Rey harbor and Venice Beach.</td>
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<td>Objective 1-3: To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.</td>
<td>Consistent. The project preserves and enhances existing residential neighborhoods because it is not adjacent to any single-family residences or single-family residential areas. Rather, the proposed project is located at the most southeastern tip of the Oxford Triangle, the point furthest away from the single-family residential area within the Oxford Triangle.</td>
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<tr>
<td>Objective 1-4: To promote the adequacy and affordability of multiple-family housing and increase its accessibility to more segments of the population.</td>
<td>Consistent. The project provides new affordable and accessible multiple-family housing to a wide segment of the Venice residential community.</td>
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**Oxford Triangle Specific Plan**

The project applicant seeks to use the OTSP density allowance provisions to increase the project site FAR from 1.5:1 to 3:1. In addition, as an incentive for development, the project seeks confirmation that it be permitted to use R4 residential lot area per dwelling unit standards when calculating the number of units permitted on the project site rather than the R3 development standards referenced in the OTSP. The R4
standard has been permitted for the adjacent Regatta, Azzurra and Cove projects in the OTSP area. In addition, the R4 standard is the appropriate standard for sites zoned C4, such as the proposed project site.

The OTSP provides in Section 7.A that in order to receive a density allowance under the OTSP, an applicant is to follow the Conditional Use process specified in Section 12.24 of the Los Angeles Municipal Code (LAMC). In addition, the Area Planning Commission, or the City Council on appeal, must make the findings as set forth in Section 122.24 of the LAMC. Those findings are as follows:

a. **The proposed location of the project will be desirable to the public convenience and welfare.**

The location in proximity to a Major Bus Route (there is a bus stop within 425 feet of the project site which is served by two municipal bus lines), near services such as large grocery stores and in an area already developed with a mix of commercial uses and several high-rise multi-family residential buildings is desirable to the public convenience or welfare. The proposed project will provide needed housing, including affordable housing, on what is now an under-utilized lot. In addition, the proposed project will provide neighborhood-serving retail which will cater to the project’s residents as well as to adjacent residential uses. The neighborhood-serving retail uses at the proposed Project will be consistent with the definition of Neighborhood Retail found in Los Angeles Municipal Code Section 13.07.C, which lists the various specific types of retail uses which provide the retail sale of goods needed by residents and patrons of a Pedestrian Oriented District. The retail will serve to activate the Lincoln boulevard street frontage and enhance the pedestrian experience. The proposed project’s residents will also be able to add to the increasing pedestrian-oriented nature of the area by walking to such uses as the nearby Ralph’s supermarket as well as day care. In addition, the project site is in close proximity to regional recreational opportunities (i.e., Marina del Rey harbor and Venice Beach). This adjacency to such uses, along with the very mixed use nature of the proposed project, serves to reduce traffic trip numbers. Further, the granting of the requested density allowances and incentives serves to satisfy the OTSP goal of encouraging mixed-use development in the OTSP area. Therefore, the project promotes the public convenience and welfare.

b. **The proposed project will be proper in relation to adjacent uses or the development of the community.**

The project site is surrounded by a mix of commercial and multi-family residential projects, making the proposed project an appropriate transitional use between the various uses. The proposed podium structure is not adjacent to any single-family residences or single-family residential areas. Rather, the proposed project is located at the most southeastern tip of the Oxford Triangle, the point furthest away from the single-family residential area within the Oxford Triangle. The project provides parking in compliance with the Specific Plan.
requirements, which exceeds Municipal Code Parking requirements. The project will provide 2 parking spaces and \( \frac{1}{2} \) guest parking space per residential unit for a total of 395 spaces, along with 14 spaces for retail parking, for a total of 409 spaces. The project will also incorporate lighting and screening which provides proper aesthetics for the project, but also serves for security purposes.

The project as proposed is not consistent with the provisions of the Oxford Triangle Specific Plan, which limits the maximum number of dwelling units on the project site to 59 units and the FAR to 3:1 (if part of a mixed-use development). However, as discussed above, the project is requesting that the permitted residential density be established as the R4 density, i.e., 119 permitted units. In addition, the project’s provision of 13% of its total condominium units for persons and families of very low income qualifies the proposed project for the density bonus of an additional 42 units, though the applicant is only seeking to develop 39 of the density bonus units otherwise available. As discussed above, the project applicant/developer has requested an incentive for the additional 118,641 square feet required to develop the project as proposed. State density bonus law provides that the City must grant the incentives requested, unless the City makes specified findings that the incentive is not required in order to provide for affordable housing costs or would have a specific adverse impact upon public health and safety or the physical environment. In this case, the units are required in order to provide for the cost of the affordable units proposed. In addition, the granting of the incentives would not have a specific adverse impact upon health and safety or the physical environment. Therefore, with its provision of 13% of its total condominium units for persons and families of very low income, the proposed project is eligible for the density bonus and incentives provided by SB 1818. With the approval of the requested additional incentives, the project’s 158 dwelling units and total building floor area of 261,987 square feet can be found to be consistent with the intent of existing zoning and the City’s implementation of SB 1818.

The project as proposed is consistent with the OTSP density allowance guidelines regarding the condition that a project provide an adequate amount of public space. As referenced above, the OTSP requires that there must be at least 10 square feet of indoor recreation space and at least 50 square feet of common open space, which may be located on the ground, on terraces, or on roof tops, and shall be landscaped or developed for active or passive recreation. Thus, the proposed project requires 1,580 square feet of indoor recreational space and 7,900 square feet of common open space. The project satisfies the indoor recreational space requirement by providing a Fitness Center of approximately 2,340 sf. and a roof deck which will provide approximately 13,754 sf of common open space.

Therefore, the proposed project would not conflict with the goals, objectives and policies of the Oxford Triangle Specific Plan, and impacts with respect to consistency with the Specific Plan would be less than significant.
Venice Coastal Zone Specific Plan

The proposed project has been designed to incorporate all specific plan regulations and therefore is in compliance with the Specific Plan standards. The project would provide an articulated façade, yard setbacks, height stepbacks, parking and guest parking screening, and landscaping, loading areas, walls and trash storage in compliance with the Venice Coastal Zone and Oxford Triangle Specific Plans and Municipal Code.

The proposed podium structure is not adjacent to any single-family residences or residential areas. Rather, the project is located at the most southeastern tip of the Oxford Triangle, the point furthest away from the single-family residential areas within the Oxford Triangle. The project is surrounded by a mix of commercial and high-rise multi-family residential projects, making the project a transitional use between the various uses. The proposed project provides parking in compliance with the Specific Plan requirements, which exceeds Municipal Code parking requirements. The proposed project will provide 2 parking spaces per residential unit plus 0.25 guest parking for a total of 395 spaces, along with 14 spaces for retail parking, for a total of 409 spaces. The project will incorporate lighting and screening features which provide proper aesthetics for the project, but also serve for security purposes.

In summary, the proposed project can be found to be consistent with the provisions of the Venice Coastal Zone Specific Plan.

Coastal Transportation Corridor Specific Plan

The project has been designed to comply with the regulations of the Coastal Transportation Corridor Specific Plan. Specifically, the project applicant is required to pay a fee for the application/traffic study review and implement highway dedication and physical street improvements pursuant to DOT requirements. Traffic impacts of the proposed project and project specific requirements of the Coastal Transportation Corridor Specific Plan are discussed further in Section IV.J Transportation/Traffic of this Draft EIR.

Would the Proposed project conflict with any applicable habitat conservation plan or natural community conservation plan.

The project site and the surrounding area are not part of any draft or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan. The project site is fully developed and is located in a heavily urbanized area of Los Angeles. No impacts to any adopted habitat or conservation plans would occur.
CUMULATIVE IMPACTS

Development of the proposed project in conjunction with the related projects would result in further infilling of existing urban land uses in and around the Venice Community Plan Area. Based on information available regarding the related projects, it is reasonable to assume that development of the related projects would implement and support local and regional planning goals and policies. It is expected that most of the related projects would be compatible with the zoning and land use designations for each of the related project sites and their surrounding properties. Furthermore, the proposed project would have a less-than-significant impact with respect to land use and planning. Therefore, the proposed project would not contribute to a cumulative land use impact, and cumulative land use impacts would be considered to be less than significant.

MITIGATION MEASURES

With approval of the requested density bonus and necessary incentives to permit additional floor area, the proposed project would be consistent with the existing zoning and applicable land use designation. No potentially significant land use impacts have been identified and no mitigation measures are required or proposed.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

Project impacts with respect to physically dividing an established community would be less than significant. Although the project conflicts with some of the density and FAR development standards of the C4 zone and the OTSP, other provisions of these regulations allow for increases in density and FAR if the project meets certain criteria, particularly the criteria of providing affordable housing. The project meets the criteria for increases in density and FAR. Therefore, project impacts with respect to conflicts with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project would be less than significant. There would be no project impacts with respect to conflicts with any applicable habitat conservation plan or natural community conservation plan.